

DVCC Immigration Subcommittee
March 5, 2019
10:30 AM
Delaware Community Legal Aid, Dover

Minutes

- I. Introductions: In attendance were: Laura Graham (CLASI), Carolyn Becker (WPD), Kate Sell (CLASI), Maite Aros (CHILD, Inc.), Sabdi Vazquez (CLASI), Mayra Reyes-Cruz (Georgetown PD), Pedro Torres (NCCPD), Emily Houde (CLASI), Adrienne Owen (DSP), Cindy Garcia (CLASI) and via teleconference Sue Ryan (DCADV) and Moe Monagle (DVCC)
- DVCC Staff: Aimee String
- II. Review of meeting minutes from 12/6/18
- a. Minutes were approved.
- III. Old Business:
- a. DACA: No new update. DACA is still in a holding pattern. If someone has DACA continue to renew 6 months ahead. There are proposals for reform but they are still just proposals.
- b. Notice to Appear (NTA) Policy:
- i. On June 28th DHS announced that they have updated their policy manual regarding the issuance of Notices to Appear (NTAs), which serve as the complaint to commence removal proceedings against a client. Applies to U-VISA, T-VISA, VAWA (even with no criminal contact).
 - ii. In the past USCIS has indicated that if a stand-alone VAWA Self-Petition, I-929 U visa relative, U visa, or T visa was denied by the VAWA Unit, absent certain circumstances (petitioner has serious criminal history, is a national security threat, etc.) the VAWA unit would not issue an NTA and refer the client to removal proceedings, citing the VAWA confidentiality provisions. So there was very little risk of applying for this relief even if your petition was denied.
 - iii. The new policy indicates that the VAWA unit now has the ability, and is encouraged, to issue NTAs to individuals who have a criminal history and/or are unlawfully present after their petition is denied.
 - iv. Then on July 30th DHS announced that the implementation of this policy is postponed for further agency review. <https://www.uscis.gov/news/alerts/updated-guidance-implementation-notice-appear-policy-memorandum>
 - v. It's important to refer clients to an immigration attorney to help the client weight the benefits and risks. Ultimately it is the client's choice to determine whether or not to file but they should be aware of the risks. CLASI does have immigration attorneys who are skilled in this work.
- c. Public Charge Policy:

- i. Still not officially announced. Survivors can still get these benefits.
 - ii. VAWA, T-VISA and U-VISA are statutorily exempt but many people are unaware of that.
 - iii. There are huge processing delays.
 - 1. U-VISA: upwards of 4 years.
 - 2. T-VISA and VAWA: upwards of 15 months
 - 3. Special Juvenile statutes: 1-2 year
- d. USCIS VAWA Unit – Fee Waiver Denials
 - i. New policy is less lenient on application/petition fee waiver requests in victim-based cases (U/T/VAWA). Fees can be upwards of \$1300 per person. In the past approximately 99% of the fee waivers were granted. Now most application for being denied or they are for proof documenting income. This is a serious hardship for applicants.
 - 1. Mexican Consulate can help one time but there is cap (approx. \$600).
 - 2. Guatemalan Consulate may also be able to provide assistance.
 - ii. Tips for providers to support survivors
 - 1. Helping survivors connect with financial resources, should they be required to pay the filing fees. If your agency has donated funds, there may be a need.
 - 2. Document the services you provide to survivors, whether those services are income-based, and if so, how you determined that survivor qualifies based on her income.
- e. State Updates
 - i. Family Court
 - 1. Effective August 15, 2018, the Family Court implemented a change in procedure for emergency ex parte PFAs petitions that are filed with the Court after 4:00 p.m. Any petition clocked in after 4:00 p.m. will not have a same day ex parte hearing. Petitioners will still be able to file their petitions until 4:30 when the court closes, and receive assistance in doing so, but they will be instructed to come back to Family Court the following day for a hearing.
 - a. PFA petition clocked in by 4:00 – Petitioner will have ex parte hearing with a commissioner that same day. So essentially no change other than moving the clock-in deadline back by 30 minutes.
 - b. PFA petition clocked in after 4:00 – Petitioner can choose to stay and complete and file the petition between 4-4:30, or they can take it with them to complete and file the following day, so they can have an advocate help them complete it, or don't feel rushed in completing the petition. Petitioners who choose to leave and return the next day for filing will be given a resource list with police, hotline, and other important numbers. If petitioner chooses to file the petition before 4:30, then the court staff will accept the petition, and give the Petitioner a notice asking them to come back the following morning between x and y time listed on the notice for the ex parte hearing. Petitioner will be added to the assigned commissioner's calendar for an ex parte hearing the next day. If petitioner indicates s/he cannot come during that time frame the following day, then court

staff will try to be flexible and work with the petitioner to find a time when they can return. If by 4pm the following day the Petitioner does not come in for their ex parte hearing, then the commissioner assigned to the calendar that day will provide court staff with direction on following up with the petitioner.

2. Also, the court has now produced in English, Spanish and Creole the PFA Petition and instructions located here: <https://courts.delaware.gov/family/pfa/index.aspx>. There are some great infographics that walk individuals through the process.
3. Also on the website are the new videos (in English, Spanish, and Creole) created as part of the improvement project, explaining to Petitioners and Respondents the PFA process and what to expect.

IV. New Business

a. Upcoming Events

- i. Victim Tribute: April 9th at Dover High School. They are asking people to RSVP if possible.
- ii. Advocacy Day: Wednesday, March 13th at Legislative Hall
- iii. Nanticoke Health Fair: March 16th at Laurel Middle/High School
- iv. Members should bring upcoming events to the next meeting so that we can determine how/if the committee can be involved.

V. Annual Reports

- a. DSP: Bilingual Advocate position has been reposted. They are currently utilizing the language line and partner agencies when necessary to provide services.
- b. CHILD, Inc. Maite is now the Community Health Advocate. They are working with Westside and Christiana Care to take a look at how DV affects the health of a victim. The project will officially launch on Friday.
- c. Wilmington PD: Amy Hopkins is the new Victim Service Specialist working with all crime victims.
- d. CLASI: Received a CJC grant for a bilingual paralegal in Kent. The position will be posted internally at first.
- e. NCCPD: Carmen is no longer with the agency. Pedro is in her position now. Pedro's former position will be opening.
- f. Georgetown PD: Hired a mental health clinician. Michelle Robinson will be working with individuals who have substance abuse and or mental health concerns. This is a grant based program.
- g. DCADV: Brooke Ophardt is the new training specialist.
- h. CJC: Will host the Victims Advocate Academy in March. There were 71 applicants.

VI. 2019 Meeting dates: Meetings to be held at CLASI in Dover at 10:30 a.m.

- a. September 3, 2019
- b. December 3, 2019